



Family Law (Scotland) Act 2006

2006 asp 2

Matrimonial homes

8 Occupancy rights: effect of court action

After section 9 of the 1981 Act (provisions where both spouses have title) there shall be inserted—

“Reckoning of non-cohabitation periods in sections 1 and 6

9A Effect of court action under section 3, 4 or 5 on reckoning of periods in sections 1 and 6

- (1) Subsection (2) applies where an application is made under section 3(1), 4(1) or 5(1) of this Act.
- (2) In calculating the period of two years mentioned in section 1(7)(a) or 6(3)(f) of this Act, no account shall be taken of the period mentioned in subsection (3) below.
- (3) The period is the period beginning with the date on which the application is made and—
 - (a) in the case of an application under section 3(1) or 4(1) of this Act, ending on the date on which—
 - (i) an order under section 3(3) or, as the case may be, 4(2) of this Act is made; or
 - (ii) the application is otherwise finally determined or abandoned;
 - (b) in the case of an application under section 5(1) of this Act, ending on the date on which—
 - (i) the order under section 3(3) or, as the case may be, 4(2) is varied or recalled; or
 - (ii) the application is otherwise finally determined or abandoned.”.